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EXAMINER

HOEL, MATTHEW D

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/649,091

Applicant(s)

BAERLOCHER, ANTHONY J.

Examiner

Matthew D. Hoel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-93 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☒ Claim(s) 4-6, 13, 18, 21-25, 35, 42, 44-46, 51, 54-56, 59, 63, 65-69, 74, 77, 79, 80, 83, 86, 89-91 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4-12-04, 6-17-04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Continuation of Disposition of Claims: Claims rejected are 1-3,7-12,14-17,19,20,26-34,36-41,43,47-50,52,53,57,58,60-62,64,70-73,75,76,78,81,82,84,85,87,88,92,93

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: Lines 17 and 18 cite "award symbols *of* the award indicator" (emphasis added). The examiner believes the applicant intends to cite "award symbols *on* the award indicator." Appropriate correction is required.
2. Claim 3 is objected to because of the following informalities: Line 26 cites "second awards are related." The examiner believes the applicant intends to cite "second award symbols are related." Appropriate correction is required.
3. Claim 17 is objected to because of the following informalities: Line 24 cites "second symbols indicators." The examiner believes the applicant intends to cite "second symbol indicators." Appropriate correction is required.
4. Claim 47 is objected to because of the following informalities: Line 13 cites "pick a of the second symbol indicators." The examiner believes the applicant intends to cite "pick at least one of the second symbol indicators. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:
6. The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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7. Claims 16, 38, 39, and 47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 16 recites the limitation "selector" in Line 19. There is insufficient antecedent basis for this limitation in the claim. The examiner believes the applicant intends to cite "processor."

9. Claim 38 recites the limitation "selector" in Line 22. There is insufficient antecedent basis for this limitation in the claim. The examiner believes the applicant intends to cite "processor."

10. Claim 39 recites the limitation "selector" in Line 27. There is insufficient antecedent basis for this limitation in the claim. The examiner believes the applicant intends to cite "processor."

11. Claim 47 recites the limitation "award indicator" in Lines 15 and 17. There is insufficient antecedent basis for this limitation in the claim. The examiner believes the applicant intends Line 2 to cite an "award indicator" instead of an "award display," which would create sufficient antecedent basis for "award indicator" later in the claim.

Allowable Subject Matter

12. Claims 4 to 6, 13, 18, 21 to 25, 35, 42, 44 to 46, 51, 54 to 56, 59, 63, 65 to 69, 74, 77, 79, 80, 83, 86, and 89 to 91 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The search of the prior art did

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not suggest the elements in these claims in conjunction with the elements in the rejected claims.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

14. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

16. Determining the scope and contents of the prior art.
17. Ascertaining the differences between the prior art and the claims at issue.
18. Resolving the level of ordinary skill in the pertinent art.
19. Considering objective evidence present in the application indicating obviousness or nonobviousness.

20. Claims 1 to 3, 7, 12, 14 to 17, 19, 20, 26 to 29, 34, 36 to 41, 43, 47, 50, 52, 53, 57, 58, 60 to 62, 64, 72, 73, 75, 76, 78, 84, 85, 87, and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frohm, et al. (U.S. patent 6,159,095 A) in view of Olive (U.S. pre-grant publication 2002/0025849 A1, application 09/809,980).

21. As to Claim 1: '095 discloses all of the elements of Claim 1, but lacks specificity as to a plurality of second award symbols, a plurality of second awards associated with the second award symbols, and a plurality of second activatable symbol indicators associated with the second award symbols. '095 teaches a gaming device (Abst., Fig.

1). '095 teaches an award indicator including a plurality of first award symbols (award indicator—plurality of slot reels, Fig. 6; plurality of first award symbols—plurality of winning paylines, Fig. 8). '095 teaches a plurality of first awards associated with the first award symbols (Fig. 8). '095 teaches a plurality of activatable symbol indicators associated with the first award symbols (activated payline—activatable symbol indicator, Fig. 6; plural activatable paylines possible depending on how much player bets, Col. 9, Lines 33 to 37). '095 teaches a processor (17, Fig. 3). The player of '095 is able to pick one of the first symbol indicators to activate the first symbol indicator (player can activate one payline, Fig. 6, may activate only one payline, Col. 9, Lines 33 to 37). '095 causes the activated first symbol indicator to indicate one of the first award symbols on the award indicator (player wins when a winning combination appears on an activated payline, Col. 9, Lines 39 to 45, Fig. 8). '849, however, teaches a plurality of second award symbols (plurality of second award symbols—right-to-left paylines in addition to normal left-to-right paylines, Figs. 3, 4a-e, Para. 28). '849 also teaches a plurality of second awards associated with the second award symbols (second awards—prizes paid on right-to-left paylines, Para. 28). The player of '849 is able to pick one of the second symbol indicators to activate the picked second symbol indicator (player can bet on one or more paylines, Para. 26). '849 causes the activated second award symbol to indicate on one of the second award symbols on the award indicator (game pays if a winning combination occurs on a right-to-left payline, Para. 28). '849 provides a total award to a player based on the first and second awards associated with the indicated first and second award symbols (game pays on winning combinations occurring on both

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traditional left-to-right paylines and right-to-left paylines, Para. 28). It would be obvious to one of ordinary skill in the art at the time of invention to apply the right-to-left paylines (plurality of second award indicators) of '849 to the game of '095. The slot game of '849 can be implemented as a bonus game (Para. 26), like the slot game of '095 (Col. 9, Lines 58 to 63). '095 is a slot game (Fig. 6) that uses a touchscreen interface (Col. 3, Lines 57 to 62), like the game of '849 (Para. 18, Figs. 2-4). The combination would produce a game operable to enable a player to pick one of the first symbol indicators to activate the picked first symbol indicator, enable the player to pick one of the second symbol indicators to activate the picked second symbol indicator, cause the activated first symbol indicator to indicate one of the first award symbols on the award indicator, cause the activated second symbol indicator to indicate one of the second award symbols on the award indicator, and provide a total award to a player based on the first and second awards associated with the indicated first and second award symbols. The advantage of this combination would be to stimulate players' interest in the game by providing both traditional left-to-right paylines as well as right-to-left paylines (first and second groups of award symbols), providing more chances for winning to the players.

22. As to Claim 2: In '849, the first award symbols (winning payoff combinations) and the second award symbols are related. '849 teaches an award symbol of "3 X K" (Para. 28, Fig. 4a). The award symbols can be read from the traditional left-to-right order or from the right-to-left order, so the first and second award symbols are the reverse of each other (Para. 28).

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23. As to Claim 3: In '849, the first award symbols and second award symbols are related by their positions on the award indicator. The winning payline combinations occupy the same rows on the award indicator (set of slot reels, Fig. 4a) and are the reverse of each other (Para. 28).

24. As to Claim 7: '849 teaches at least one of the first awards and the second awards being the same. '849 teaches an award symbol of "3 X K" (Para. 28, Fig. 4a). The award symbols can be read from the traditional left-to-right order or from the right-to-left order, so the first and second award symbols are the reverse of each other (Para. 28) and are the same combination.

25. As to Claim 12: In '849, the total award is the sum of the first and second awards associated with the indicated first and second award symbols (prizes awarded for both left-to-right and right-to-left winning combinations, Para. 28).

26. As to Claim 14: The display device of '095 is operable to display the award indicator (set of reels displayed on screen, Fig. 6).

27. As to Claim 15: The display device of '095 includes a touchscreen (Col. 3, Lines 57 to 62).

28. As to Claim 16: '095 includes a touchscreen in communication with the processor (Fig. 3). '849 enables a player to select one of the first symbol indicators and one of the second symbol indicators (pick one or more paylines, Para. 26; winning combinations awarded on both left-to-right and right-to-left paylines, Para. 28).

29. As to Claim 17: '849 teaches first and second symbol indicators (left-to-right and right-to-left paylines, Para. 28). The award indicator (slot reels) moves relative to the activated paylines (spinning reels, Para. 18).

30. As to Claim 19: '849 teaches the first award symbols and the second award symbols including at least one bonus symbol (three treasure chests triggering a free game, Para. 25).

31. As to Claim 20: '849 teaches at least one free activation of the award indicator being associated with the bonus symbol (10 or 15 free game, Para. 25).

32. As to Claim 26: In '849, each first award has a probability of being associated with each first symbol indicator (random events, Para. 4; awards on left-to-right paylines, Para. 28).

33. As to Claim 27: In '849, each second award has a probability of being associated with each second symbol indicator (random events, Para. 4; awards on right-to-left paylines, Para. 28).

34. As to Claim 28: '095 teaches a gaming device (Abst., Fig. 1). '095 teaches a plurality of award indicators (two sets of slot reels, each set being an award indicator, Fig. 7). '095 teaches a plurality of first award symbols (award indicator—plurality of slot reels, Fig. 6; plurality of first award symbols—plurality of winning paylines, Fig. 8). '849 teaches a plurality of second award symbols (plurality of second award symbols—right-to-left paylines in addition to normal left-to-right paylines, Figs. 3, 4a-e, Para. 28). '095 teaches a plurality of activatable symbol indicators positioned adjacent to the first award

symbols on each of the award indicators (activated paylines—activatable symbol indicators, 214, 221, Fig. 7; plural activatable paylines possible depending on how much player bets, Col. 9, Lines 33 to 37). '849 teaches a plurality of second activatable award symbols positioned adjacent to the second award symbols of each of the award indicators (activatable right-to-left paylines in addition to normal left-to-right paylines, Figs. 3, 4a-e, Para. 28; player can bet on one or more paylines, Para. 26). '095 teaches a plurality of first awards associated with the first award symbols for at least one of the award indicators (winning paylines, Fig. 8). '849 teaches a plurality of second awards associated with the second symbols for at least one of the award indicators (second awards—prizes paid on right-to-left paylines, Para. 28). '095 teaches a processor (17, Fig. 3). The player of '095 is able to pick at least one of the first symbol indicators to activate the first symbol indicator (player can activate one payline, Fig. 6, may activate only one payline, Col. 9, Lines 33 to 37). '095 causes any activated first symbol indicator to indicate the first award symbols on the award indicator (player wins when a winning combination appears on an activated payline, Col. 9, Lines 39 to 45, Fig. 8). The player of '849 is able to pick at least one of the second symbol indicators to activate the picked second symbol indicator (player can bet on one or more paylines, Para. 26). '849 causes any activated second symbol indicator to indicate the second award symbols on the award indicator (game pays if a winning combination occurs on a right-to-left payline, Para. 28). '849 provides a total award to a player based on the first and second awards associated with the indicated first and second award symbols (game

pays on winning combinations occurring on both traditional left-to-right paylines and right-to-left paylines, Para. 28).

35. As to Claim 29: '849 teaches at least one of the first awards and the second awards being the same. '849 teaches an award symbol of "3 X K" (Para. 28, Fig. 4a). The award symbols can be read from the traditional left-to-right order or from the right-to-left order, so the first and second award symbols are the reverse of each other (Para. 28) and are the same combination.

36. As to Claim 34: In '849, the total award is the sum of the first and second awards associated with the indicated first and second award symbols (prizes awarded for both left-to-right and right-to-left winning combinations, Para. 28).

37. As to Claim 36: The display device of '095 is operable to display the award indicator (plural sets of reels displayed on screen, Fig. 7).

38. As to Claim 37: The display device of '095 includes a touchscreen (Col. 3, Lines 57 to 62).

39. As to Claim 38: '095 includes a touchscreen in communication with the processor (Fig. 3). '849 enables a player to select one of the first symbol indicators and one of the second symbol indicators (pick one or more paylines, Para. 26; winning combinations awarded on both left-to-right and right-to-left paylines, Para. 28) associated with at least one of the indicators (slot reels, Figs. 3, 4a-3).

40. As to Claim 39: '095 includes a touchscreen in communication with the processor (Fig. 3). '849 enables a player to select one of the first symbol indicators and one of the

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second symbol indicators (pick one or more paylines, Para. 26; winning combinations awarded on both left-to-right and right-to-left paylines, Para. 28).

41. As to Claim 40: As to Claim 19: '849 teaches the first award symbols and the second award symbols including at least one bonus symbol (three treasure chests triggering a free game, Para. 25).

42. As to Claim 41: '849 teaches at least one free activation of the award indicator being associated with the bonus symbol (10 or 15 free game, Para. 25).

43. As to Claim 43: In '849, the first award symbols (winning payline combinations) and the second award symbols are positionally related. '849 teaches an award symbol of "3 X K" (Para. 28, Fig. 4a). The award symbols can be read from the traditional left-to-right order or from the right-to-left order, so the first and second award symbols are the reverse of each other (Para. 28).

44. As to Claim 47: '095 teaches a gaming device (Abst., Fig. 1). '095 teaches an award indicator including a plurality of first award symbols (award indicator—plurality of slot reels, Fig. 6; plurality of first award symbols—plurality of winning paylines, Fig. 8). '849 teaches a plurality of second award symbols (plurality of second award symbols—right-to-left paylines in addition to normal left-to-right paylines, Figs. 3, 4a-e, Para. 28). '095 teaches a plurality of first awards associated with the first award symbols (Fig. 8). '849 also teaches a plurality of second awards associated with the second award symbols (second awards—prizes paid on right-to-left paylines, Para. 28). '095 teaches a plurality of activatable symbol indicators positioned adjacent to the first award symbols

on each of the award indicators (activated paylines—activatable symbol indicators, 214, 221, Fig. 7; plural activatable paylines possible depending on how much player bets, Col. 9, Lines 33 to 37). '849 teaches a plurality of second activatable award symbols positioned adjacent to the second award symbols of each of the award indicators (activatable right-to-left paylines in addition to normal left-to-right paylines, Figs. 3, 4a-e, Para. 28; player can bet on one or more paylines, Para. 26). '095 teaches a processor (17, Fig. 3). The player of '095 is able to pick at least one of the first symbol indicators to activate the first symbol indicators (player can activate one payline, Fig. 6, may activate only one payline, Col. 9, Lines 33 to 37). The player of '849 is able to pick at least one of the second symbol indicators to activate the picked second symbol indicators (player can bet on one or more paylines, Para. 26). '095 causes any activated first symbol indicator to indicate a plurality of the first award symbols on the award indicator (player wins when a winning combination appears on an activated payline, Col. 9, Lines 39 to 45, Fig. 8; player can select more than one payline and so can win on more than one payline, Col. 9, Lines 33 to 37). '849 causes any activated second symbol indicator to indicate a plurality of the second award symbols on the award indicator (game pays if a winning combination occurs on a right-to-left payline, Para. 28; player can select more than one payline and so can win on more than one payline, Para. 26). '849 provides a total award to a player based on the first and second awards associated with the indicated first and second award symbols on the award indicator (game pays on winning combinations occurring on both traditional left-to-right paylines and right-to-left paylines, Para. 28).

45. As to Claim 50: In '849, the total award is the sum of the first and second awards associated with the indicated first and second award symbols (prizes awarded for both left-to-right and right-to-left winning combinations, Para. 28).

46. As to Claim 52: '095 includes a plurality of award indicators (plurality of sets of reels, Fig. 7). In '894, the set of reels includes a first plurality of award symbols (winning combinations on left-to-right paylines) and a second plurality of award symbols (winning on right-to-left paylines).

47. As to Claim 53: In '849, the first award symbols (winning payline combinations) and the second award symbols are related. '849 teaches an award symbol of "3 X K" (Para. 28, Fig. 4a). The award symbols can be read from the traditional left-to-right order or from the right-to-left order, so the first and second award symbols are the reverse of each other (Para. 28).

48. As to Claim 57: '095 teaches a gaming device (Abst., Fig. 1). '095 teaches an award indicator including a plurality of first award symbols (award indicator—plurality of slot reels, Fig. 6; plurality of first award symbols—plurality of winning paylines, Fig. 8). '849 teaches a plurality of second award symbols (plurality of second award symbols—right-to-left paylines in addition to normal left-to-right paylines, Figs. 3, 4a-e, Para. 28). '095 teaches a plurality of first awards associated with the first award symbols (Fig. 8). '849 also teaches a plurality of second awards associated with the second award symbols (second awards—prizes paid on right-to-left paylines, Para. 28). '095 enables a player to pick one of a plurality of first symbol indicators positioned adjacent to the first

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award symbols (player can activate one payline, Fig. 6, may activate only one payline, Col. 9, Lines 33 to 37). '849 enables a player to pick one of a plurality of second symbol indicators positioned adjacent to the second award symbols (player can bet on one or more paylines, Para. 26). '095 activates the picked first symbol indicators (activated payline, Fig. 6). '849 activates the picked second symbol indicators (paylines indicated, Figs. 3, 4a-e). '095 indicates one of the first award symbols with the activated first symbol indicator (player wins when a winning combination appears on an activated payline, Col. 9, Lines 39 to 45, Fig. 8). '849 indicates one of the second award symbols with the activated symbol indicator (game pays if a winning combination occurs on a right-to-left payline, Para. 28). '849 provides a total award to a player based on the first and second awards associated with the indicated first and second award symbols on the award indicator (game pays on winning combinations occurring on both traditional left-to-right paylines and right-to-left paylines, Para. 28).

49. As to Claim 58: In '849, the total award is the sum of the first and second awards associated with the indicated first and second award symbols (prizes awarded for both left-to-right and right-to-left winning combinations, Para. 28).

50. As to Claim 60: The display device of '095 is operable to display the award indicator (set of reels displayed on screen, Fig. 6).

51. As to Claim 61: The display device of '095 includes a touchscreen (Col. 3, Lines 57 to 62).

52. As to Claim 62: '849 teaches first and second symbol indicators (left-to-right and right-to-left paylines, Para. 28). The award indicator (slot reels) moves relative to the activated paylines (spinning reels, Para. 18).

53. As to Claim 64: '849 teaches at least one free activation of the award indicator when at least one bonus symbol is associated with the first award symbol or the second award symbol indicated by the activated first and second symbol indicators (10 or 15 free games, Para. 25).

54. As to Claim 72: '095 teaches a gaming device (Abst., Fig. 1). '095 teaches an award indicator including a plurality of first award symbols (award indicator—plurality of slot reels, Fig. 6; plurality of first award symbols—plurality of winning paylines, Fig. 8). '849 teaches a plurality of second award symbols (plurality of second award symbols—right-to-left paylines in addition to normal left-to-right paylines, Figs. 3, 4a-e, Para. 28). '095 teaches a plurality of first awards associated with the first award symbols (Fig. 8). '849 also teaches a plurality of second awards associated with the second award symbols (second awards—prizes paid on right-to-left paylines, Para. 28). '095 enables a player to pick a plurality of first symbol indicators positioned adjacent to the first award symbols (player can activate a payline, Fig. 6, may activate more than one payline, Col. 9, Lines 33 to 37). '849 enables a player to pick a plurality of second symbol indicators positioned adjacent to the second award symbols (player can bet on one or more paylines, Para. 26). '095 activates the picked first symbol indicators (activated payline, Fig. 6). '849 activates the picked second symbol indicators (paylines indicated, Figs. 3,

4a-e). '095 indicates one of the first award symbols with the activated first symbol indicators (player wins when a winning combination appears on an activated payline, Col. 9, Lines 39 to 45, Fig. 8). '849 indicates one of the second award symbols with the activated symbol indicators (game pays if a winning combination occurs on a right-to-left payline, Para. 28). '849 provides a total award to a player based on the first and second awards associated with the indicated first and second award symbols on the award indicator (game pays on winning combinations occurring on both traditional left-to-right paylines and right-to-left paylines, Para. 28).

55. As to Claim 73: In '849, the total award is the sum of the first and second awards associated with the indicated first and second award symbols (prizes awarded for both left-to-right and right-to-left winning combinations, Para. 28).

56. As to Claim 75: '849 teaches enabling the player to select a plurality of the activatable first symbol indicators and a plurality of the activatable second symbol indicators using a touch screen. (can activate one or more paylines, Para. 26; left-to-right and right-to-left paylines, Para. 28; touchscreen, Para. 21).

57. As to Claim 76: '849 teaches at least one free activation of the award indicator when at least one bonus symbol is associated with the first award symbol or the second award symbol indicated by the activated first and second symbol indicators (10 or 15 free games, Para. 25).

58. As to Claim 78: '095 teaches a plurality of award indicators (multiple sets of slot reels, Fig. 7). '849 teaches a plurality of first award symbols and a plurality of second

award symbols (winning combinations associated with left-to-right and right-to-left paylines, Para. 28).

59. As to Claim 84: '095 teaches a gaming device (Abst., Fig. 1). '095 teaches a plurality of award indicators (two sets of slot reels, each set being an award indicator, Fig. 7). Each award indicator (set of slot reels) in '095 includes a plurality of first award symbols (award indicator—plurality of slot reels, Fig. 6; plurality of first award symbols—plurality of winning paylines, Fig. 8). '849 teaches a plurality of second award symbols (plurality of second award symbols—right-to-left paylines in addition to normal left-to-right paylines, Figs. 3, 4a-e, Para. 28). The combination of '095 and '849, as discussed above, would display a plurality of award indicators to a player, each award indicator including a plurality of first award symbols and a plurality of second award symbols. '095 teaches a plurality of first awards associated with the first award symbols (paytable, Fig. 8). '849 teaches a plurality of second awards associated with the second award symbols (game pays if right-to-left paylines are winners, Para. 28). '095 enables a player to pick one of a plurality of first symbol indicators positioned adjacent to the first award symbols (player can activate a payline, Fig. 6, may activate more than one payline, Col. 9, Lines 33 to 37). '849 enables a player to pick a plurality of second symbol indicators positioned adjacent to the second award symbols (player can bet on one or more paylines, Para. 26). '095 activates the picked first symbol indicators (activated payline, Fig. 6). '849 activates the picked second symbol indicators (paylines indicated, Figs. 3, 4a-e). '095 indicates the first award symbols with the activated first

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symbol indicators (player wins when a winning combination appears on an activated payline, Col. 9, Lines 39 to 45, Fig. 8). '849 indicates the second award symbols with the activated symbol indicators (game pays if a winning combination occurs on a right-to-left payline, Para. 28). '849 provides a total award to a player based on the first and second awards associated with the indicated first and second award symbols on the award indicator (game pays on winning combinations occurring on both traditional left-to-right paylines and right-to-left paylines, Para. 28).

60. In As to Claim 85: '849, the total award is the sum of the first and second awards associated with the indicated first and second award symbols (prizes awarded for both left-to-right and right-to-left winning combinations, Para. 28).

61. As to Claim 87: '849 teaches the player enabled to select one of the activatable first symbol indicator and one of the activatable second symbol indicators on at least one of the award indicators using a selector (can activate one or more paylines, Para. 26; left-to-right and right-to-left paylines, Para. 28; touchscreen selector, Para. 21).

62. As to Claim 88: '849 enables the player to select at least one of the award indicators using a touchscreen (Para. 21).

63. Claims 8 to 11, 30 to 33, 48, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of '095 and '849 in view of Bennett, et al. (U.S. pre-grant patent 2002/0025846 A1, application 09/912,727).

64. As to Claim 8: The combination of '095 and '849 discloses all of the elements of Claim 7, but lacks specificity as to a plurality of the first awards and the second awards

being the same. '846, however, teaches a plurality of the first awards and the second awards being the same. An exemplary payable is shown in Fig. 6. The winning payline combinations can be read from left to right or from right to left (Para. 49), and so are first award symbols and second award symbols that are mirror images of each other. A plurality, in fact, all, of the first and second award symbols are the same. It would be obvious to one of ordinary skill in the art at the time of invention to apply the first and second awards of '846 to the combination of '095 and '849. '846 is a touchscreen slot game (Fig. 1, Para. 29), like those of '095 and '849. The advantage of this combination would be to provide more predictability for the players by allowing them to win on the same award symbol whether it is read left to right or right to left.

65. As to Claim 9: '846 teaches all of the first awards and the second awards being the same. An exemplary payable is shown in Fig. 6. The winning payline combinations can be read from left to right or from right to left (Para. 49), and so are first award symbols and second award symbols that are mirror images of each other. All of the first and second award symbols (winning payline combinations) are the same.

66. As to Claim 10: In '846, at least one of the first and second awards includes a modifier (multipliers, Fig. 4).

67. As to Claim 11: In '846, the modifier includes a multiplier (multipliers, Fig. 4).

68. As to Claim 30: '846, however, teaches a plurality of the first awards and the second awards being the same. An exemplary payable is shown in Fig. 6. The winning payline combinations can be read from left to right or from right to left (Para. 49), and so are first award symbols and second award symbols that are mirror images

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of each other. A plurality, in fact, all, of the first and second award symbols are the same.

69. As to Claim 31: '846 teaches all of the first awards and the second awards being the same. An exemplary payable is shown in Fig. 6. The winning payline combinations can be read from left to right or from right to left (Para. 49), and so are first award symbols and second award symbols that are mirror images of each other. All of the first and second award symbols (winning payline combinations) are the same.

70. As to Claim 32: In '846, at least one of the first and second awards includes a modifier (multipliers, Fig. 4).

71. As to Claim 33: In '846, the modifier includes a multiplier (multipliers, Fig. 4).

72. As to Claim 48: In '846, at least one of the first and second awards includes a modifier (multipliers, Fig. 4).

73. As to Claim 49: In '846, the modifier includes a multiplier (multipliers, Fig. 4).

74. Claims 70, 71, 82, 83, 92, and 93 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of '095 and '849 in view of Nelson, et al. (U.S. pre-grant application 2002/0004424 A1, application 09/835,942).

75. As to Claims 70, 71, 82, 83, 92, and 93: The combination of '095 and '849 discloses all of the elements of Claims 70 and 71, but lacks specificity as to providing the steps of game play over a network or on the Internet. '424, however, teaches accessing a game via a web page over the Internet (Para. 50, 11). It would be obvious to one of ordinary skill in the art to apply the Internet mode of game play to the

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combination of '095 and '849. '424 is designed to be used with networked slot machines (Para. 11). The advantage of this combination would be to enhance players' interest in the game by providing a pool of winnings that all players can share (Para. 18).

76. As to Claims 82, 83, 92, and 93: '424, however, teaches accessing a game via a web page over the Internet (Para. 50, 11). '424 is designed to be used with networked slot machines (Para. 11).

Citation of Pertinent Prior Art

77. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pau, et al. in U.S. pre-grant publication 2002/0042294 A1, application 09/965,605, teaches a gaming machine with multiple award indicators. Stern in U.S. pre-grant publication 2002/0160830 A1, application 10/077,041, teaches a gaming machine with multiple symbol indicators. The search results for the Science and Technical Information Center search for application 10/649,091 are considered to be relevant.

Conclusion


78. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew D. Hoel whose telephone number is (571) 272-5961. The examiner can normally be reached on Mon. to Fri., 8:00 A.M. to 4:30 P.M.

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79. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

80. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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